

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	
	§	Crim. Action No. SA-16-CR-236-XR
MARIO ALBERT LEAL, JR.,	§	
	§	
<i>Defendant.</i>	§	

ORDER

On this date came to be considered Defendant's appeal of the Magistrate Judge's Order denying bond (docket no. 120).

Defendant Leal and others are charged in an indictment with conspiracy to distribute heroin and cocaine base. The Government filed a motion to detain the Defendant pending trial arguing that Leal was charged with a drug offense for which there was a maximum term of imprisonment of ten years or more, there was a serious risk that he would obstruct justice, and a serious risk that he would flee. The Government also argued that clear and convincing evidence supports the conclusion that no condition or combination of conditions will reasonably assure the safety of any other person or of the community.

The allegations in this case are members of the Texas Mexican Mafia control drug trafficking operations involving multi-kilogram quantities of cocaine, methamphetamine and heroin in the Seguin and New Braunfels, Texas area. Leal is not considered to be a member of the Texas Mexican Mafia, but he is alleged to be a supplier of large amounts of cocaine and methamphetamine. At the time search warrants were executed in this case two ounces of cocaine base and five firearms were located in his residence. One of the weapons was previously

reported stolen. The Magistrate Judge also reviewed the Defendant's criminal history. Leal is a lifetime resident of Seguin, Texas and self-employed in the construction business. He reported to the Pretrial Services officer that he is a daily user of marijuana. He has numerous convictions for possession of less than two ounces of marijuana. At the time of arrest for this alleged offense, Leal was on bond from allegations that he resisted arrest or search on February 13, 2015. See Case No.: CCL-15-1194 pending in Guadalupe County, Texas.

The Magistrate Judge properly analyzed the factors listed in 18 U.S.C. § 3142 and determined that there was no condition or combination of conditions that would reasonably assure Leal's appearance and the safety of any other person and the community. The possession of a stolen firearm and the presence of drugs in his residence were prominent factors in her decision to deny bond. Other than filing a motion to appeal and stating that Leal has never been convicted of a felony, Leal does not present any new arguments or evidence to suggest that the Magistrate Judge erred in denying bond. This Court has independently reviewed all factors and for the reasons stated by the Magistrate Judge concludes that bond was properly denied.

SIGNED this 24th day of May, 2016.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE